

Decision 02-08-059 August 22, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Union Pacific Railroad for authority/order to construct, operate and maintain a new at grade crossing of East Cooley Drive, CPUC Crossing No. B-540.71-C, D.O.T. No. 921264N, City of Colton, County of San Bernardino.

Application 02-02-019
(Filed February 20, 2002)

O P I N I O N

Summary

Union Pacific Railroad Company (UP) is authorized to construct a proposed spur track at grade across East Cooley Drive at Crossing No. B-540.71-C (Federal Department of Transportation Number 921264N) in the City of Colton (City), San Bernardino County.

Discussion

UP proposes to construct a spur track at grade across East Cooley Drive to provide rail service to a manufacturing area, showroom, warehouse, administrative offices and retail sales building facility. The facility will generate new employment in Colton, San Bernardino County, and Southern California's "Inland Empire" and will contribute to the betterment of the local economy.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA, as amended in 1982), as stated in Public Resources Code Section 21000 et. seq. On August 17, 2000, City filed a Notice of Determination regarding this project with the San Bernardino County Clerk's Office. A copy of this Notice is included in Appendix A attached to the order.

The Notice found that “The project will not have a significant effect on the environment.” City prepared a Negative Declaration for this project pursuant to the provisions of CEQA. No mitigation measures were adopted as part of project approval.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency’s Notice of Determination and Negative Declaration. The site of the proposed spur track at-grade crossing of East Cooley Drive has been inspected by the Commission’s Consumers Protection and Safety Division – Rail Crossings Engineering Section staff. After reviewing the need for and the safety of the proposed spur track at-grade crossing of East Cooley Drive, staff recommends that UP’s request be granted.

We find that the City’s environmental documents are adequate for our decision-making purposes, and we find that the City reasonably concluded that the proposed crossing will not have a significant effect on the environment. Accordingly, we adopt the Notice of Determination and Negative Declaration for purposes of our project approval.

The Application was found to be in compliance under the Commission’s filing requirements, including Rule 40 of Rules of Practice and Procedure, which relates to the construction of a railroad track across a public highway. A site map and detailed drawings of the proposed spur track at-grade crossing across East Cooley Drive are shown in Appendix B attached to the order.

In Resolution ALJ 176-3083, dated March 6, 2002, and published in the Commission Daily Calendar on March 7, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. The Commission’s Consumers Protection and Safety Division recommends that this application be granted. Given these

developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3083.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Notice of the Application was published in the Commission Daily Calendar on February 22, 2002. There are no unresolved matters or protests; a public hearing is not necessary.

2. UP requests authority, under Public Utilities Code Sections 1201-1205, to construct a proposed spur track at grade across East Cooley Drive in Colton, San Bernardino County.

3. Construction of the proposed spur track at grade across East Cooley Drive is necessary to provide rail service to a manufacturing area, showroom, warehouse, administrative offices and retail sales building facility, which will generate new employment and contribute to the betterment of the local economy.

4. Public convenience and necessity require construction of the proposed spur track at grade across East Cooley Drive.

5. Public safety requires that protection at East Cooley Drive crossing be one Standard No. 9-A automatic gate-type signal with additional flashing lights on a cantilever arm for westbound vehicular traffic on East Cooley Drive, one Standard No. 9 automatic gate-type signal for eastbound vehicular traffic on East Cooley Drive, one median-mounted Standard No. 8 flashing light signal placed on a 9-foot wide raised median for vehicular traffic entering East Cooley Drive

from the north side of the crossing, and one Standard No. 8 flashing light signal for vehicular traffic entering East Cooley Drive from the south side of the crossing, as specified in General Order 75-C.

6. Public safety also requires that City place on all crossing approaches railroad crossing pavement markings (RXR) with Highway-Rail Grade Crossing Advance Warning (W10-1) signs, in compliance with the **Manual on Uniform Traffic Control Devices** (Millennium Edition), published by the United States Department of Transportation – Federal Highway Administration.

7. City is the lead agency for this project under CEQA, as amended.

8. City prepared a Negative Declaration and filed a Notice of Determination regarding this project finding that the project would not have a significant effect on the environment.

9. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's Notice of Determination and Negative Declaration. These documents are adequate for our decision-making purposes.

Conclusions of Law

1. City reasonably concluded that the project will not have a significant effect on the environment under CEQA. City's Notice of Determination and Negative Declaration should be adopted for purposes of our approval.

2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Union Pacific Railroad Company (UP) is authorized to construct a proposed spur track at grade across East Cooley Drive in the City of Colton (City), San Bernardino County, at the location and substantially as shown by the

plans attached to the Application and Appendix B of this order, identified as Crossing B-540.71-C (Federal Department of Transportation Number 921264N).

2. Protection at the crossing shall be one Standard No. 9-A automatic gate-type signal with additional flashing lights on a cantilever arm for westbound vehicular traffic on East Cooley Drive, one Standard No. 9 automatic gate-type signal for eastbound vehicular traffic on East Cooley Drive, one median-mounted Standard No. 8 flashing light signal placed on a 9-foot wide raised median for vehicular traffic entering East Cooley Drive from the north side of the crossing, and one Standard No. 8 flashing light signal for vehicular traffic entering East Cooley Drive from the south side of the crossing, as specified in General Order (GO) 75-C.

3. City shall place on all crossing approaches railroad crossing pavement markings (RXR) with Highway-Rail Grade Crossing Advance Warning (W10-1) signs, in compliance with the **Manual on Uniform Traffic Control Devices** (Millennium Edition), published by the United States Department of Transportation – Federal Highway Administration.

4. Clearances shall be in accordance with GO 26-D. Walkways shall conform to GO 118.

5. Construction expense of the crossing and installation of the automatic protection shall be borne by UP.

6. Maintenance cost of the automatic protection shall also be borne by UP.

7. Construction of the crossing shall be in accordance with GO 72-B. Maintenance of the crossing surfaces shall also be in accordance with GO 72-B.

8. Construction plans of the crossing, approved by City, together with a copy of the agreement entered into between the parties, shall be filed with the

Commission's Consumers Protection and Safety Division prior to commencing construction.

9. Within 30 days after completion of the work under this order, UP shall notify the Commission's Consumers Protection and Safety Division in writing that the authorized work has been completed.

10. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

11. The application is granted as set forth above.

12. Application 02-02-019 is closed.

This order becomes effective 30 days from today.

Dated August 22, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
CARL. W. WOOD
GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners

APPENDIX A

ENVIRONMENTAL DOCUMENT

CLERK OF THE
BOARD OF SUPERVISORS
00 AUG 17 AM 11:57
COUNTY OF SAN BERNARDINO
CALIFORNIA

NOTICE OF DETERMINATION
CITY OF COLTON

TO:
CLERK OF THE BOARD OF SUPERVISORS
COUNTY GOVERNMENT BUILDING
385 N. ARROWHEAD, 2ND FLOOR
SAN BERNARDINO, CA. 92415-0130

FROM:
CITY OF COLTON
COMMUNITY DEVELOPMENT DEPT.
PLANNING DIVISION
650 N. LA CADENA DRIVE
COLTON, CA. 92324

SUBJECT: Filing of Notice of Completion in Compliance with Section 21108 or 21152 of the Public Resources Code.

FILE NUMBER: D-67-00

PROJECT TITLE: ENVIRONMENTAL REVIEW FOR NEW, LIGHT INDUSTRIAL USE CONSTRUCTION

PROJECT LOCATION: ADJACENT TO EAST AND WEST COOLEY DRIVE, WEST OF I-215 FREEWAY, CITY OF COLTON, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

PROJECT DESCRIPTION: THE CONSTRUCTION OF A FURNITURE MANUFACTURING / WAREHOUSE / ADMINISTRATIVE OFFICES / RETAIL SALES BUILDINGS ON 75 ACRES OF VACANT LAND WITHIN THE COOLEY RANCH PLANNED COMMUNITY. THE PROJECT WILL
* INCLUDE THE CONSTRUCTION A UNION PACIFIC RAIL SPUR, AND A PARCEL
MAP TO MERGE 10 PARCELS INTO 4 PARCELS. THE PROJECT WILL BE
CONSTRUCTED IN TWO PHASES, AND THERE WILL BE 2 UNDEVELOPED PARCELS
REMAINING, TOTALING 23 ACRES.

This is to certify that the City of Colton has approved the above described project and has made the following determinations regarding the project:

1. The project ___ will, X will not have a significant effect on the environment.
2. ___ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. X A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. A copy of the Negative Declaration is available at the Community Development Department, 659 North La Cadena Drive, Colton, California, 92324.
4. A statement of overriding considerations ___ was, X was not adopted for this project.

Pursuant to Public Resources Code Section 21152 (c), I, J. RENEE BASTIAN, Interim Clerk of the Board of Supervisors, County of San Bernardino, State of California, David R. Banuelos, Associate Planner hereby certify this document was prepared by the Community Development Department the Office of the Clerk of the Board: DAVID R. ZAMORA, Director from 8/17/00 to 9/18/00

Decision Date: AUGUST 8, 2000

J. RENEE BASTIAN
Interim Clerk of the Board

By John R. Riosola
Deputy

APPENDIX B**PLANS**



